

stances named on said label. (When this case was reported for action it was not claimed by this department that the product "contained harmful, poisonous, and deleterious bacteria and spores.")

On April 27, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3451. Adulteration of tomato catsup and purée. U. S. v. 7 Cases of Tomato Catsup and Purée. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 5443, 5444, 5469. I. S. Nos. 3023-h, 3277-h. S. No. 2019.)

On November 19, 1913, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on April 27, 1914, an amended libel, for the seizure and condemnation of 7 cases of tomato catsup and purée remaining unsold in the original unbroken packages at Aberdeen, Wash., alleging that the product had been shipped on or about November 14, 1913, and transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The cases of catsup and retail packages therein were labeled: "California's Choicest Condiments. Kandy Brand Catsup—Made of selected ripe tomatoes without artificial color and without chemical preservatives. Pacific Preserve Co. San Francisco. Works at San Leandro, Cal." The cases of purée were labeled: "Vienna Restaurant, Aberdeen;" and each can contained in said four cases was marked with the letter "P" on the top of the can.

Adulteration of the products was alleged in the libel and amended libel for the reason that they consisted in whole or in part of filthy, decomposed, and [or] putrid vegetable substances, and, further, contained harmful, poisonous, and deleterious bacteria and spores, and that said products were moldy and unfit for consumption or use and injurious to health, and that the presence of said injurious, deleterious, harmful, and poisonous ingredients or substances was not declared or mentioned on the label or brand, all in violation of the provisions of the act of June 30, 1906, aforesaid. It was further alleged that each of the representations and statements contained in the designs, labels, or branding descriptions, printed, attached, or written upon the labels of the products, were false and misleading and untrue, and that said food products were not pure and did not consist wholly of the substances named on the labels. (When this case was reported for action it was not claimed by this department that the product "contained harmful, poisonous, and deleterious bacteria and spores.")

On April 27, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3452. Adulteration and misbranding of feed. U. S. v. Allen Baker (Allen Baker Commission Co.). Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 5446. I. S. No. 27806-e.)

On February 16, 1914, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Allen Baker, doing business under and by the name Allen Baker Commission Co., St. Louis, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about September 28, 1912, from the State of Illinois into the State of Indiana, of a quantity of stock feed which was adulterated and misbranded. The product was labeled: